

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MICROSOFT CORPORATION,
Plaintiff,
v.
COREL CORPORATION, et al.,
Defendants.

Case No. [5:15-cv-05836-EJD](#)

**ORDER DENYING COREL'S MOTION
FOR LEAVE TO FILE MOTION FOR
SUMMARY JUDGMENT**

Re: Dkt. No. 173

Before the Court is Corel's motion for leave to file a motion for summary judgment on the issue of pre-suit damages. Dkt. No. 173. Corel filed its first summary judgment motion on May 23, 2016. Dkt. No. 49. On July 22, 2016, Corel moved for leave to file two additional summary judgment motions on the issues of pre-suit damages and invalidity of one of Microsoft's patents.

This Court denied Corel's request because

Corel had the opportunity to raise the issue of pre-suit damages in the summary judgment motion filed on May 23, 2016, failed to do, and does not adequately explain the reasons for this omission. Accordingly, the court concludes that Corel has failed to show good cause for an additional summary judgment motion.

Dkt. No. 95 at 2.

Corel now seeks leave to file another motion for summary judgment. Dkt. No. 173. Corel argues that it will prevail on its proposed motion because Microsoft has failed to produce evidence showing that it gave Corel adequate pre-suit notice of infringement. Dkt. No. 173. However, as before, Corel had the opportunity to raise the issue of pre-suit damages in its May 23, 2016, summary judgment motion. It failed to do so, and it does not explain the reasons for that omission. The Court again concludes that Corel has failed to show good cause for leave to file an additional summary judgment motion.

IT IS SO ORDERED.

Dated: December 11, 2017



EDWARD J. DAVILA
United States District Judge